

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:16-cv-01616-APM**

KING & SPALDING, LLP v. U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES et al  
Assigned to: Judge Amit P. Mehta  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/09/2016  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: Federal Question

**Plaintiff**

**KING & SPALDING, LLP**

represented by **John C. Richter**  
KING & SPALDING, LLP  
1700 Pennsylvania Avenue, NW  
Suite 200  
Washington, DC 20006  
(202) 626-5617  
Email: [jrichter@kslaw.com](mailto:jrichter@kslaw.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

represented by **Jeremy S. Simon**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2528  
Fax: (202) 252-2599  
Email: [jeremy.simon@usdoj.gov](mailto:jeremy.simon@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

represented by **Jeremy S. Simon**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/09/2016	<u>1</u>	COMPLAINT against ALL DEFENDANTS ( Filing fee \$ 400 receipt number 0090-4632777) filed by KING & SPALDING, LLP. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons U.S. Department of Health and Human Services, # <u>3</u> Summons U.S. Department of Justice)(Richter, John) (Entered: 08/09/2016)
08/09/2016	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by KING & SPALDING, LLP (Richter, John) (Entered: 08/09/2016)
08/09/2016		Case Assigned to Judge Amit P. Mehta. (md) (Entered: 08/09/2016)
08/10/2016	<u>3</u>	SUMMONS (4) Issued Electronically as to U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 08/10/2016)
08/12/2016	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/11/2016. Answer due for ALL FEDERAL DEFENDANTS by 9/10/2016. (Richter, John) (Entered: 08/12/2016)

08/12/2016	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/12/2016. (Richter, John) (Entered: 08/12/2016)
08/12/2016	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 8/11/2016 (Richter, John) (Entered: 08/12/2016)
08/12/2016	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 8/11/2016 (Richter, John) (Entered: 08/12/2016)
09/06/2016	<u>8</u>	NOTICE of Appearance by Jeremy S. Simon on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Simon, Jeremy) (Entered: 09/06/2016)
09/07/2016	<u>9</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 09/07/2016)
09/07/2016		MINUTE ORDER granting <u>9</u> Consent Motion for Extension of Time to Answer or Otherwise Respond to Complaint. Defendants shall answer or otherwise respond to the Complaint on or before September 30, 2016. Signed by Judge Amit P. Mehta on 09/07/2016. (lcapm3) (Entered: 09/07/2016)
09/08/2016		Set/Reset Deadlines/Hearings: Answer or other response to complaint due by 9/30/2016. (cdw) (Entered: 09/08/2016)
09/30/2016	<u>10</u>	ANSWER to Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE.(Simon, Jeremy) (Entered: 09/30/2016)
09/30/2016	<u>11</u>	ORDER: Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before October 14, 2016. Please see the attached Order for additional details. Signed by Judge Amit P. Mehta on 09/30/2016. (lcapm3) (Entered: 09/30/2016)
09/30/2016		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/14/2016. (cdw) (Entered: 10/03/2016)
09/30/2016		ENTERED IN ERROR.....Set/Reset Deadlines/Hearings: Status Conference reset for 10/17/2016 at 11:30 AM in Courtroom 10 before Judge Amit P. Mehta. (cdw) Modified on 10/3/2016 (zcdw). (Entered: 10/03/2016)
10/12/2016	<u>12</u>	Unopposed MOTION for Extension of Time to <i>File Joint Status Report</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 10/12/2016)
10/13/2016		MINUTE ORDER granting <u>12</u> Motion for Extension of Time to File Joint Status Report. The parties shall submit a Joint Status Report on or before October 21, 2016. Signed by Judge Amit P. Mehta on 10/13/2016. (lcapm3) (Entered: 10/13/2016)
10/13/2016		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/21/2016. (cdw) (Entered: 10/13/2016)
10/21/2016	<u>13</u>	Joint STATUS REPORT and <i>Proposed Schedule</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 10/21/2016)
11/08/2016		MINUTE ORDER. The parties are directed to file another Joint Status Report in this matter on or before December 5, 2016, which informs the court of the status of document processing and production. By that date, absent good cause, (1) the Civil Division shall complete its review of the two boxes of documents referenced in the parties' Status Report, ECF No. 13, and produce any non-exempt records, and (2) CMS and HHS shall complete their searches and produce any non-exempt records. In their next status report, the parties shall propose a summary judgment briefing schedule, if necessary. Signed by Judge Amit P. Mehta on 11/08/2016. (lcapm3) (Entered: 11/08/2016)

11/08/2016		Set/Reset Deadlines: Joint Status Report due by 12/5/2016. (mac) (Entered: 11/08/2016)
12/05/2016	<u>14</u>	Joint STATUS REPORT of the Parties and Proposed Schedule by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 12/05/2016)
12/05/2016	<u>15</u>	MOTION for Extension of Time to <i>Complete Search and Processing and Release of Responsive Records</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 12/05/2016)
12/06/2016	<u>16</u>	ENTERED IN ERROR.....ORDER setting the following schedule for further proceedings in this matter: Defendant shall file the Administrative Record on or before January 31, 2017; Plaintiffs shall file their Motion for Summary Judgment on or before February 28, 2017; Defendant shall file its Cross–Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment on or before March 28, 2017; Plaintiffs shall file their Opposition to Defendant's Cross–Motion for Summary Judgment and Reply, if any, on or before April 11, 2017; and Defendant shall file its Reply, if any, on or before April 25, 2017. Please see attached Order for additional details. Signed by Judge Amit P. Mehta on 12/06/2016. (lcapm3) Modified on 12/6/2016 (zcdw). (Entered: 12/06/2016)
12/06/2016		MINUTE ORDER: The parties shall appear for a status hearing on December 9, 2016, at 2:15 p.m., in Courtroom 10. In the event counsel or a party is unable to appear on the scheduled date and time due to an unresolvable scheduling conflict, counsel shall meet and confer and provide, via email, two alternative dates and times to the Courtroom Deputy Clerk, Ms. Chashawn White (Chashawn_White@dcd.uscourts.gov), who shall reset the status hearing and provide notice to the parties. Signed by Judge Amit P. Mehta on 12/06/2016. (lcapm3) (Entered: 12/06/2016)
12/06/2016		Set/Reset Deadlines/Hearings: Status Conference set for 12/9/2016 at 2:15 PM in Courtroom 10 before Judge Amit P. Mehta. (cdw) (Entered: 12/06/2016)
12/06/2016	<u>17</u>	MEMORANDUM in opposition to re <u>15</u> MOTION for Extension of Time to <i>Complete Search and Processing and Release of Responsive Records</i> filed by KING & SPALDING, LLP. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Richter, John) Modified on 12/7/2016 to correct docket event/text (jf). (Entered: 12/06/2016)
12/09/2016		MINUTE ORDER granting in part and denying in part <u>15</u> Defendants' Motion for Extension of Time to Complete Search and Processing and Release of Responsive Records. Defendants shall conclude all processing and production on or before December 23, 2016. The parties shall thereafter meet and confer and shall file a Joint Status Report on or before January 5, 2017, addressing whether summary judgment briefing is needed, and, if so, to what extent. If summary judgment briefing is necessary, parties shall include a proposed briefing schedule. Signed by Judge Amit P. Mehta on 12/09/2016. (lcapm3) (Entered: 12/09/2016)
12/09/2016		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/5/2017. (cdw) (Entered: 12/12/2016)
12/09/2016		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held on 12/9/2016. (Court Reporter: Crystal Pilgrim) (cdw) (Entered: 12/12/2016)
01/05/2017	<u>18</u>	Joint STATUS REPORT and Proposed Briefing Schedule by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 01/05/2017)
01/06/2017	<u>19</u>	ORDER entering the following schedule for further proceedings in this matter: Defendants' Motion for Summary Judgment shall be filed on or before February 7, 2017; Plaintiff's Cross–Motion for Summary Judgment and Opposition to Defendants' Motion for Summary Judgment shall be filed on or before February 28, 2017; Defendants' Reply and Opposition to Plaintiff's Motion for Summary Judgment shall be filed on or before March 21, 2017; and Plaintiff's Reply shall be filed on or before April 11, 2017. See attached Order for additional details. Signed by Judge Amit P. Mehta on 01/06/2017. (lcapm3) (Entered: 01/06/2017)

01/06/2017		Set/Reset Deadlines/Hearings: Defendants' Summary Judgment motions due by 2/7/2017. Response to Motion for Summary Judgment due by 2/28/2017. Reply to Motion for Summary Judgment due by 3/21/2017. Plaintiff's Cross Motion due by 2/28/2017. Response to Cross Motion due by 3/21/2017. Reply to Cross Motion due by 4/11/2017. (cdw) (Entered: 01/06/2017)
02/07/2017	<u>20</u>	MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of Tricia Francis and EOUSA Vaughn Index, # <u>3</u> Declaration of Theresa D. Jones, # <u>4</u> Declaration of Jarell Oshodi, # <u>5</u> Declaration of Michael Bell, # <u>6</u> Declaration of Robin Brooks, # <u>7</u> Declaration of Hugh Gilmore)(Simon, Jeremy) (Entered: 02/07/2017)
02/28/2017	<u>21</u>	Cross MOTION for Summary Judgment by KING & SPALDING, LLP (Attachments: # <u>1</u> Declaration of John C. Richter and Exhibits, # <u>2</u> Text of Proposed Order)(Richter, John) (Entered: 02/28/2017)
02/28/2017	<u>22</u>	RESPONSE re <u>20</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> filed by KING & SPALDING, LLP. (Attachments: # <u>1</u> Declaration of John C. Richter and Exhibits)(Richter, John) (Entered: 02/28/2017)
03/20/2017	<u>23</u>	MOTION for Extension of Time to <i>File Defendants' Combined Reply and Opposition</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 03/20/2017)
03/20/2017	<u>24</u>	Memorandum in opposition to re <u>23</u> MOTION for Extension of Time to <i>File Defendants' Combined Reply and Opposition</i> filed by KING & SPALDING, LLP. (Richter, John) (Entered: 03/20/2017)
03/21/2017		MINUTE ORDER granting in part and denying in part <u>23</u> Defendants' Motion for Extension of Time. Defendants' Reply and Opposition to Plaintiff's Motion for Summary Judgment shall be filed on or before April 11, 2017; and Plaintiff's Reply shall be filed on or before May 2, 2017. Signed by Judge Amit P. Mehta on 03/21/2017. (lcapm3) (Entered: 03/21/2017)
03/21/2017		Set/Reset Deadlines/Hearings: Defendants' Reply to Motion for Summary Judgment due by 4/11/2017. Defendants' Response to Cross Motion due by 4/11/2017. Reply to Cross Motion due by 5/2/2017. (cdw) (Entered: 03/23/2017)
04/10/2017	<u>25</u>	Memorandum in opposition to re <u>21</u> Cross MOTION for Summary Judgment and <i>Response to Plaintiff's Local Rule 7(h) Statement</i> filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Facts, # <u>2</u> Second Declaration of Tricia Francis, # <u>3</u> Supplemental Declaration of Theresa Jones, # <u>4</u> Proposed Order)(Simon, Jeremy) (Entered: 04/10/2017)
04/10/2017	<u>26</u>	REPLY to opposition to motion re <u>20</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum (Combined Reply and Opposition to Cross Motion) (duplicate of Docket Entry No. 25)</i> filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Response to Plaintiff's Fact Statement, # <u>2</u> Second Declaration of Tricia Francis, # <u>3</u> Supplemental Declaration of Theresa Jones, # <u>4</u> Proposed Order)(Simon, Jeremy) (Entered: 04/10/2017)
05/02/2017	<u>27</u>	REPLY to opposition to motion re <u>21</u> Cross MOTION for Summary Judgment filed by KING & SPALDING, LLP. (Attachments: # <u>1</u> Exhibit A – Flynn Declaration, # <u>2</u> Exhibit B – Finley Declaration, # <u>3</u> Exhibit C – Richter Supplemental Declaration)(Richter, John) (Entered: 05/02/2017)
09/06/2017	<u>28</u>	MEMORANDUM OPINION AND ORDER denying without prejudice <u>20</u> Defendants' Motion for Summary Judgment and <u>21</u> Plaintiff's Cross-Motion for Summary Judgment. See the attached Memorandum Opinion and Order for further details. Signed by Judge Amit P. Mehta on 09/06/2017. (lcapm2) (Entered: 09/06/2017)

09/06/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 9/22/2017. (cdw) (Entered: 09/07/2017)
09/22/2017	<u>29</u>	Joint STATUS REPORT AND PROPOSED BRIEFING SCHEDULE by KING & SPALDING, LLP. (Richter, John) (Entered: 09/22/2017)
09/26/2017		MINUTE ORDER. The court has considered the parties' positions as set forth in their Joint Status Report and Proposed Briefing Schedule, ECF No. 29. Further proceedings shall be governed by the following schedule: (1) Defendants' Renewed Motion for Summary Judgment and Any Additional Supporting Declarations/Vaughn Index Entries shall be filed no later than October 20, 2017; (2) Plaintiff's Cross-Motion and Opposition shall be filed no later than November 10, 2017; (2) Defendants' Reply and Opposition to Cross-Motion shall be filed no later than November 21, 2017; and (4) Plaintiff's Reply shall be filed no later than December 5, 2017. Each party's opening brief shall be limited to 15 double-spaced pages; each party's reply brief shall be limited to 7 double-spaced pages. The parties shall avoid repeating arguments made in the initial round of summary judgment briefing and may incorporate such arguments by reference. Additionally, the parties need not re-submit any evidence already offered and may refer to such evidence as necessary. The parties' briefs shall address the issues raised by the court in its Memorandum Opinion and Order, ECF No. 28, at 4-5. Signed by Judge Amit P. Mehta on 09/26/2017. (lcapm3) (Entered: 09/26/2017)
10/19/2017	<u>30</u>	MOTION for Extension of Time to <i>File Renewed Motion for Summary Judgment</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 10/19/2017)
10/20/2017	<u>31</u>	Memorandum in opposition to re <u>30</u> MOTION for Extension of Time to <i>File Renewed Motion for Summary Judgment</i> filed by KING & SPALDING, LLP. (Richter, John) (Entered: 10/20/2017)
10/20/2017		MINUTE ORDER granting in part and denying in part Defendants' <u>30</u> Motion for Extension of Time. Defendants' Renewed Motion for Summary Judgment and Any Additional Supporting Declarations/Vaughn Index Entries shall be filed no later than November 2, 2017, and all remaining deadlines in the current briefing schedule are moved back by seven days. Plaintiff's Cross-Motion and Opposition shall be filed no later than November 17, 2017; Defendants' Reply and Opposition to Cross-Motion shall be filed no later than November 28, 2017; and Plaintiff's Reply shall be filed no later than December 12, 2017. All other terms of the court's Minute Order of September 26, 2017, shall continue to apply. No further extensions of time will be granted except for extraordinary circumstances. Signed by Judge Amit P. Mehta on 10/20/2017. (lcapm3) (Entered: 10/20/2017)
10/20/2017		Set/Reset Deadlines/Hearings: Defendants' Renewed Summary Judgment motion and supporting declarations/Vaughn Index due by 11/2/2017. Response to Motion for Summary Judgment due by 11/17/2017. Reply to Motion for Summary Judgment due by 11/28/2017. Plaintiff's Cross Motion due by 11/17/2017. Response to Cross Motion due by 11/28/2017. Reply to Cross Motion due by 12/12/2017. (zcdw) (Entered: 10/23/2017)
11/02/2017	<u>32</u>	MOTION for Summary Judgment ( <i>Defendants' Renewed Motion for Summary Judgment</i> ) by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 11/02/2017)
11/17/2017	<u>33</u>	Cross MOTION for Summary Judgment by KING & SPALDING, LLP (Attachments: # <u>1</u> Text of Proposed Order)(Richter, John) (Entered: 11/17/2017)
11/17/2017	<u>34</u>	Memorandum in opposition to re <u>32</u> MOTION for Summary Judgment ( <i>Defendants' Renewed Motion for Summary Judgment</i> ) filed by KING & SPALDING, LLP. (Richter, John) (Entered: 11/17/2017)
11/28/2017	<u>35</u>	Memorandum in opposition to re <u>33</u> Cross MOTION for Summary Judgment ( <i>Defendants' Combined Opposition and Reply Memorandum</i> ) filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1)(Simon, Jeremy) (Entered: 11/28/2017)

11/28/2017	<u>36</u>	REPLY to opposition to motion re <u>32</u> MOTION for Summary Judgment ( <i>Defendants' Renewed Motion for Summary Judgment</i> ) <i>Defendants' Combined Opposition and Reply</i> ) ( <i>duplicate of ECF 35</i> ) filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1)(Simon, Jeremy) (Entered: 11/28/2017)
12/12/2017	<u>37</u>	REPLY to opposition to motion re <u>33</u> Cross MOTION for Summary Judgment filed by KING & SPALDING, LLP. (Richter, John) (Entered: 12/12/2017)
09/07/2018	<u>38</u>	MEMORANDUM OPINION AND ORDER granting in part and denying in part Defendants' <u>32</u> Renewed Motion for Summary Judgment and Plaintiff's <u>33</u> Renewed Cross-Motion for Summary Judgment. Please see the attached Memorandum Opinion and Order for additional details. Signed by Judge Amit P. Mehta on 09/07/2018. (lcapm1) (Entered: 09/07/2018)
09/07/2018		Set/Reset Deadlines: Supplemental Declarations due by 10/9/2018. Joint Status Report due by 10/22/2018. (zjd) (Entered: 09/12/2018)
10/09/2018	<u>39</u>	NOTICE of <i>Filing Pursuant to the Court's September 7, 2018 Memorandum Opinion</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Second Supplemental Declaration of Theresa Jones, # <u>2</u> Third Declaration of Tricia Francis)(Simon, Jeremy) (Entered: 10/09/2018)
10/09/2018	<u>40</u>	SEALED DOCUMENT filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE re <u>39</u> Notice (Other), (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Exhibit 1 to Third Francis Declaration)(Simon, Jeremy) (Entered: 10/09/2018)
10/19/2018	<u>41</u>	Consent MOTION for Extension of Time to <i>File Status Report</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 10/19/2018)
10/19/2018		MINUTE ORDER granting Defendants' <u>41</u> Consent Motion for Extension of Time for Parties to File Status Report. The parties' Joint Status Report shall now be due on or before October 31, 2018. Signed by Judge Amit P. Mehta on 10/19/2018. (lcapm1) (Entered: 10/19/2018)
10/19/2018		Set/Reset Deadlines: Joint Status Report due by 10/31/2018. (zjd) (Entered: 10/19/2018)
10/31/2018	<u>42</u>	Joint STATUS REPORT and <i>Proposed Briefing Schedule</i> by KING & SPALDING, LLP. (Richter, John) (Entered: 10/31/2018)
11/06/2018	<u>43</u>	ORDER declining to disclose, in whole or in part, the sealed <u>40</u> Declaration filed with the court on October 9, 2018. See attached Order for additional details. Signed by Judge Amit P. Mehta on 11/06/2018. (lcapm1) (Entered: 11/06/2018)
11/06/2018		Set/Reset Hearings: Status Conference set for 11/15/2018 at 10:15 AM in Courtroom 10 before Judge Amit P. Mehta. (zjd) (Entered: 11/07/2018)
11/15/2018		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held on 11/15/2018. Defendants' Status Report due by 11/28/2018. (Court Reporter: Jeff Hook) (zjd) (Entered: 11/16/2018)
11/28/2018	<u>44</u>	<p>TRANSCRIPT OF STATUS CONFERENCE before Judge Amit P. Mehta held on November 15, 2018. Page Numbers: 1 – 48. Date of Issuance: November 28, 2018. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made</p>

		available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a> .
		Redaction Request due 12/19/2018. Redacted Transcript Deadline set for 12/29/2018. Release of Transcript Restriction set for 2/26/2019.(Hook, Jeff) (Entered: 11/28/2018)
11/28/2018	<u>45</u>	STATUS REPORT ( <i>Defendants' Status Report</i> ) by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 11/28/2018)
11/28/2018	<u>46</u>	STATUS REPORT by KING & SPALDING, LLP. (Richter, John) (Entered: 11/28/2018)
12/05/2018	<u>47</u>	ORDER. After reviewing the parties' Status Reports, ECF Nos. <u>45</u> and <u>46</u> , the court orders the following with respect to further proceedings in this matter: No later than December 14, 2018, the parties shall have met and conferred. The parties shall file a Joint Status Report on December 18, 2018, advising whether any disputes remain about the scope of the search. Defendants' Motion for Summary Judgment shall be filed on or before December 21, 2018; Plaintiff's Consolidated Cross-Motion for Summary Judgment and Opposition to Defendants' Motion for Summary Judgment and Motion for Reconsideration shall be filed on or before January 11, 2019; Defendants' Consolidated Reply and Opposition to Plaintiff's Motion for Summary Judgment and Reconsideration shall be filed on or before February 1, 2019; and Plaintiff's Reply shall be filed on or before February 15, 2019. If the parties reach agreement on the scope of the search, thereby leaving only Plaintiff's motion for reconsideration, the deadlines above are vacated and the briefing shall proceed as follows: Plaintiff's Motion for Reconsideration shall be due on December 21, 2018; Defendants' Opposition to Plaintiff's Motion shall be due on January 11, 2019; and Plaintiff's Reply shall be due on February 1, 2019. See attached Order for additional details. Signed by Judge Amit P. Mehta on 12/5/2018 (lcapm2) (Entered: 12/05/2018)
12/05/2018		Set/Reset Deadlines/Hearings: Attorney Meet and Confer Conference due by 12/14/2018. Joint Status Report due by 12/18/2018. Defendants' Motion for Summary Judgment due by 12/21/2018. Plaintiff's Consolidated Cross-Motion for Summary Judgment and Opposition to Defendants' Motion for Summary Judgment due by 1/11/2019. Defendants' Consolidated Reply and Opposition due by 2/1/2019. Plaintiff's Reply due by 2/15/2019. Plaintiff's Motion for Reconsideration due by 12/21/2018. Defendants' Opposition due by 1/11/2019. Plaintiff's Reply due by 2/1/2019. (zjd) (Entered: 12/06/2018)
12/10/2018	<u>48</u>	Unopposed MOTION to Clarify re <u>47</u> Order,,, by KING & SPALDING, LLP (Attachments: # <u>1</u> Text of Proposed Order)(Richter, John) (Entered: 12/10/2018)
12/11/2018	<u>49</u>	ORDER granting <u>48</u> Plaintiff's Unopposed Motion to Clarify. See attached Order for additional details. Signed by Judge Amit P. Mehta on 12/11/2018. (lcapm1) (Entered: 12/11/2018)
12/18/2018	<u>50</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Third Supplemental Jones Declaration)(Simon, Jeremy) (Entered: 12/18/2018)
12/21/2018	<u>51</u>	MOTION for Summary Judgment ( <i>Second Renewed Motion for Summary Judgment, Local Rule 7(h) Statement and Supporting Memorandum</i> ) by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 12/21/2018)